

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

MARIO T. BARDLETTE,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00028-JPH-DLP
)	
KEITH MCDONALD, et al.)	
)	
Defendants.)	

ORDER REGARDING DEFENDANT HARRINGTON'S NOTICE OF DEATH


On August 19, 2020, defendant Keith McDonald filed a notice of death, stating that Defendant Thurman Harrington died on October 20, 2018. Dkts. 23, 23-1. Rule 25(a)(1) of the Federal Rules of Civil Procedure provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

If the plaintiff wishes to proceed against Mr. Harrington's estate or his successors, he must file a motion for substitution by **November 17, 2020**. The motion to substitute, "together with a notice of hearing, must be served on the parties as provided in Rule 5 and on nonparties as provided in Rule 4." Fed. R. Civ. P. 25(a). Failure to meet this deadline will result in the dismissal of the claim against Mr. Harrington without further warning.

SO ORDERED.

Date: 9/22/2020


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

MARIO T. BARDLETTE
120178
WABASH VALLEY - CF
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838

Brandon Alan Skates
INDIANA ATTORNEY GENERAL
brandon.skates@atg.in.gov